



Application No. 09/833,148

Docket No.: X2850.0048

### REMARKS

Claims 1-21 are pending in this application. Claims 2-18 stand rejected and claims 1 and 9-21 are withdrawn. By this Amendment, claims 2 and 17 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraph 2 of the Office Action rejects claims 2, 3, 11, 12, and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,845,255 ("Mayaud"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Among the limitations of independent claim 2 not present in the cited reference is "a hospital acquires a hospital ID and a hospital password, a user who is a patient or a person who takes care of welfare of the patient acquires a user ID, a user password, a second password, ... and a hospital acquires individual medical treatment information from the database using the user ID, the second password, the hospital ID, and the hospital password as keys." Applicant respectfully notes that the same four keys are used to store updated individual and medical treatment information.

Applicant notes that there is a distinction between a user and a hospital. A user refers to a patient or a person that takes care of the welfare of the patient such as a guardian or care giver. For example, the guardian or care giver of a juvenile or handicapped person would be a user. In an effort to clarify the pending claims, without limiting the scope of said claims, Applicant has amended claims 2 and 17 to explicitly recite that the user is a patient or a person who takes care of the welfare of the patient.

Thus, for this reason and those discussed below, Mayaud fails to anticipate the pending claims.

The Office Action considers the method in Mayaud to be analogous to the method in claim 2. See, Office Action at page 3. Applicant respectfully disagrees. As explicitly recited in claim 2, a hospital has a hospital ID and a hospital password. Likewise, a user has a user ID, a user password and a second password. In order for a hospital to acquire or store individual medical treatment information, the hospital utilizes the user ID, the second password, the hospital ID, as well as the hospital password. The use of these four keys is not analogous to the method in Mayaud.

In Mayaud, patient records are stored to a database. Access to the computer network is provided using user passwords which link each user with an individual profile or style sheet. User passwords are preferred to a workstation password. See, col. 10, lns. 31-41. Mayaud discloses that patient records should use a standard identifier to be clearly and distinctly identified with a confidence level appropriate to the expected patient population in the lifetime of the system. Further, patient directed control of the flow update of their own data can be achieved by centrally inputting at the host computer facility patient generated record access specification to determine which users or user organizations can access what data during what period. However, Applicant respectfully submits that a user setting various access levels is unlike a user having a user ID, user password, and second password and a hospital being able to acquire or store data using the hospital ID, hospital password, user ID, and second password. Therefore, Applicant respectfully submits that what is disclosed in Mayaud is not analogous to Applicant's explicitly recited claims and if the Examiner persists in asserting that the disclosure in Mayaud is analogous to Applicant's claim, it is requested that the Examiner explicitly recite which portions of Mayaud are analogous to each of

Applicant's explicitly recited claim limitations, i.e., the hospital ID, hospital password, user ID, user password, and second password.

Claims 3-16 depend either directly or indirectly from, and contain all the limitations of claim 2. These dependent claims also recite additional limitations which, in combination with the limitations of claim 2, are neither disclosed nor suggested by Mayaud and are also believed to be directed towards the patentable subject matter. Thus, claims 3-16 should also be allowed.

Claims 4-6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayaud in view of U.S. Patent No. 6,564,104 ("Nelson"). Claims 7, 8, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayaud in view of U.S. Patent No. 4,882,474 ("Anderl") and claims 9, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayaud in view of U.S. Patent No. 5,781,422 ("Engleson"). Applicant respectfully submits that as discussed above, Mayaud fails to disclose the explicitly recited user ID, user password, and second password. The addition of the additional references fails to cure the deficiencies in Mayaud discussed above. Therefore, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claim 17 explicitly recites a computer program that requests a second password when a person other than a user accesses the space where the individual medical treatment information is stored. Applicant respectfully submits, as discussed above, Mayaud fails to disclose the user password and second password. Further, Anderl fails to cure the deficiency of Mayaud. The cited portion of Anderl states that a customer's personal information resides in multiple files in the EPROM on the card. Appropriate application software residing the station, when accompanied by an appropriate password, enables the retrieval and modification of the response. A separate password is required for gaining access to each of the designated levels of

interaction between the card and the associated station. This is unlike Applicant's explicitly recited first and second password. In Anderl, a separate password is required for each subset or designated level of information. In contrast, Applicant merely recites a first and second password associated with a user. Therefore, Anderl fails to cure the deficiency in Mayaud discussed above.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: October 31, 2006

Respectfully submitted,

By

Ian R. Blum

Registration No.: 42,336  
DICKSTEIN SHAPIRO LLP  
1177 Avenue of the Americas  
New York, New York 10036-2714  
(212) 277-6500  
Attorney for Applicant

IRB/mgs